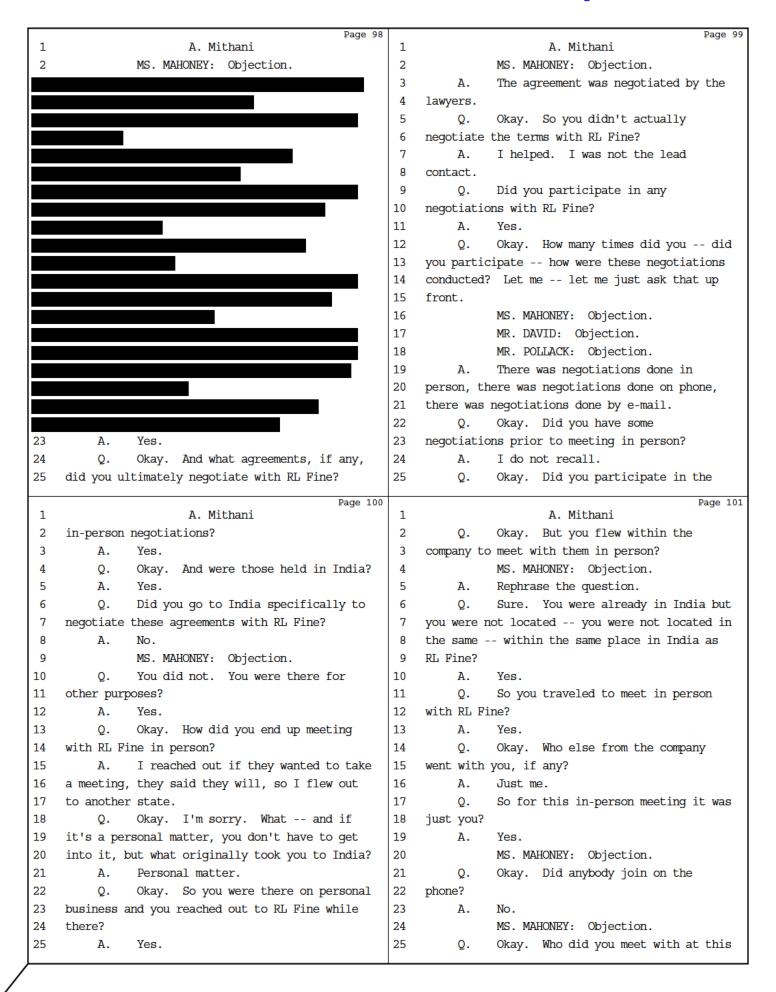
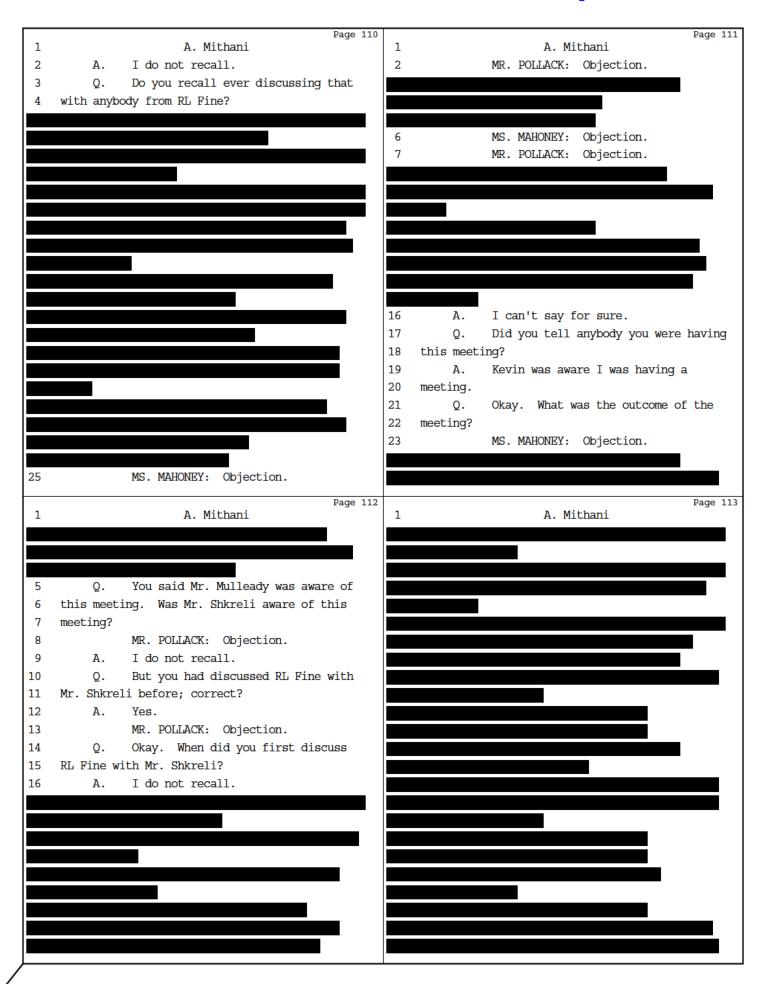
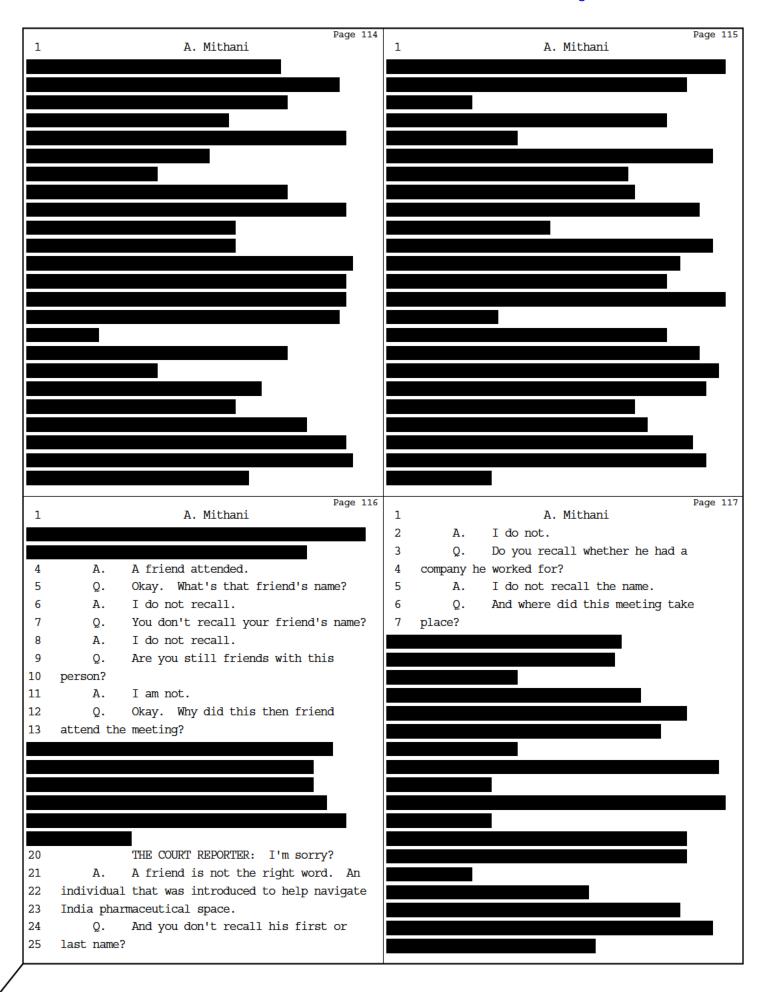
Exhibit B

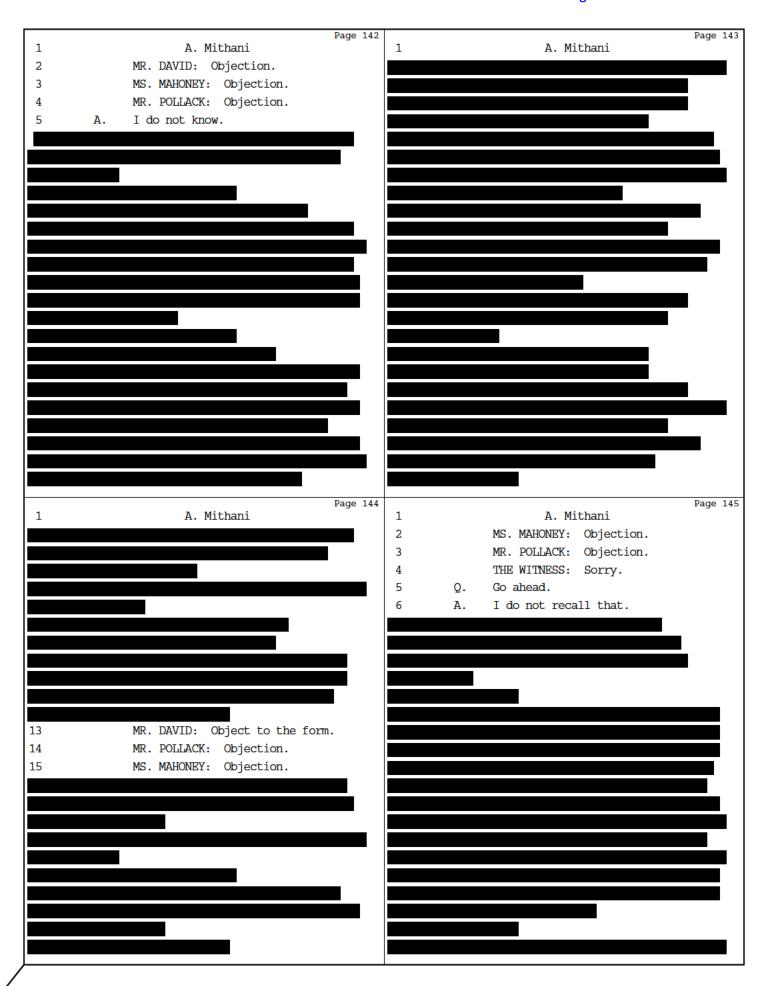
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Page 1
 1
               UNITED STATES DISTRICT COURT
 2
 3
              SOUTHERN DISTRICT OF NEW YORK
     FEDERAL TRADE COMMISSION;
 4
     STATE OF NEW YORK; STATE OF
     CALIFORNIA; STATE OF ILLINOIS; )
     STATE OF NORTH CAROLINA; STATE )
     OF OHIO; COMMONWEALTH OF
 6
     PENNSYLVANIA; and
 7
     COMMONWEALTH OF VIRGINIA,
                   Plaintiffs,
 8
                                     ) Case No.
                                     ) 1:20-cv-00706-DLC
 9
                VS.
10
     VYERA PHARMACEUTICALS, LLC;
     PHOENIXUS AG; MARTIN SHKRELI,
     individually, as an owner and
11
     former officer of Vyera
12
     Pharmaceuticals, LLC and
     Phoenixus AG (formerly known
     as Turing Pharmaceuticals, LLC )
13
     and Turing Pharmaceuticals
     AG); and KEVIN MULLEADY,
14
     individually, as an owner and
     director of Phoenixus AG and
15
     a former executive of Vyera
     Pharmaceuticals, LLC,
16
17
                   Defendants.
18
19
          VIDEOTAPED DEPOSITION OF AKEEL MITHANI
                   Via Videoconference
20
21
                    Brooklyn, New York
22
                Thursday, January 28, 2021
23
24
     Reported by:
     KRISTIN KOCH, RPR, RMR, CRR
25
     JOB NO. 188171
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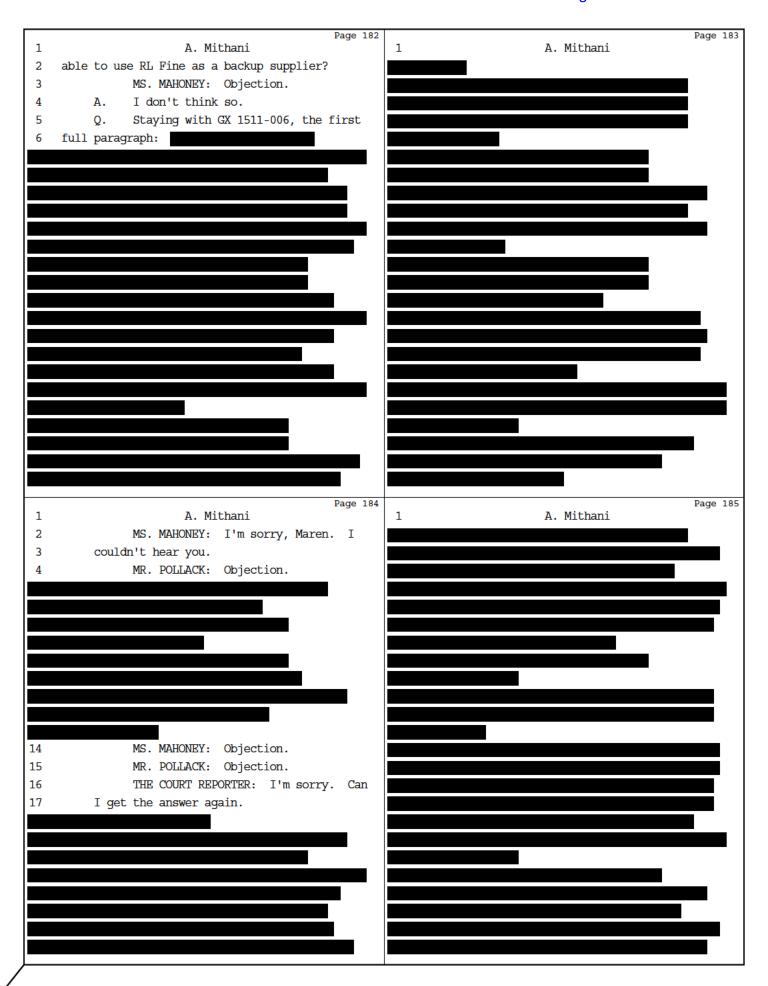
	Page 2			Page 3
1		1		
2		2	A P P E A R A N C E S: (Via videoconference)	
3		3		
4	January 28, 2021	4	FEDERAL TRADE COMMISSION	
5	9:23 a.m.	5	Attorneys for Plaintiffs	
6		6	600 Pennsylvania Avenue, NW	
7		7	Washington, DC 20580	
8	Videotaped Deposition of AKEEL	8	BY: MAREN SCHMIDT, ESQ.	
9	MITHANI, Via Videoconference, before	9	DANIEL PATRICK HUYETT, ESQ.	
10	Kristin Koch, a Registered Professional	10	PHOEBE FLINT, Paralegal	
11	Reporter, Registered Merit Reporter,	11		
12	Certified Realtime Reporter and Notary	12		
13	Public of the State of New York.	13	OFFICE OF THE NEW YORK ATTORNEY GENERAL	
14		14	Attorneys for State of New York	
15		15	28 Liberty Street	
16		16	New York, New York 10005	
17		17	BY: SAAMI ZAIN, ESQ.	
18		18	ELINOR HOFFMANN, ESQ.	
19		19		
20		20		
21		21	OFFICE OF THE ILLINOIS ATTORNEY GENERAL	
22		22	Attorneys for State of Illinois	
23		23	150 East Gay Street	
24		24	Columbus, Ohio 43215	
25		25	BY: RICHARD S. SCHULTZ, ESQ.	
1	Page 4	1		Page 5
2	APPEARANCES: (Continued)	2	APPEARANCES: (Continued)	
3	TI I I I I I I I I I I I I I I I I I I	3	11 2 11 11 11 11 0 2 01 (00110211000)	
4		4		
5	PENNSYLVANIA OFFICE OF ATTORNEY GENERAL	5	KASOWITZ BENSON TORRES LLP	
6	Attorneys for Commonwealth of Pennsylvania	6	Attorneys for Kevin Mulleady	
7	Strawberry Square	7	1633 Broadway	
8	Harrisburg, Pennsylvania 17120	8	New York, New York 10019	
9	BY: STEPHEN SCANNELL, ESQ.	9	BY: KENNETH R. DAVID, ESQ.	
10	· , —— »-	10	NICHOLAS A. RENDINO, ESQ.	
11		11		
12	MORGAN, LEWIS & BOCKIUS LLP	12		
13	Attorneys for Vyera Pharmaceuticals and	13		
14	Phoenixus AG	14	ALSO PRESENT:	
15	101 Park Avenue	15		
16	New York, New York 10178	16	MARK VON LANKEN, Legal Video Specialist	
17	BY: STACEY ANNE MAHONEY, ESQ.	17	KEVIN MULLEADY	
18		18	•	
19		19		
20	DUANE MORRIS LLP	20		
21	Attorneys for Martin Shkreli	21		
22	30 South 17th Street	22		
23	Philadelphia, Pennsylvania 19103	23		
24	BY: JEFFREY S. POLLACK, ESQ.	24		
1	21. OBITABL S. FORBACK, BOY.	25		
25				

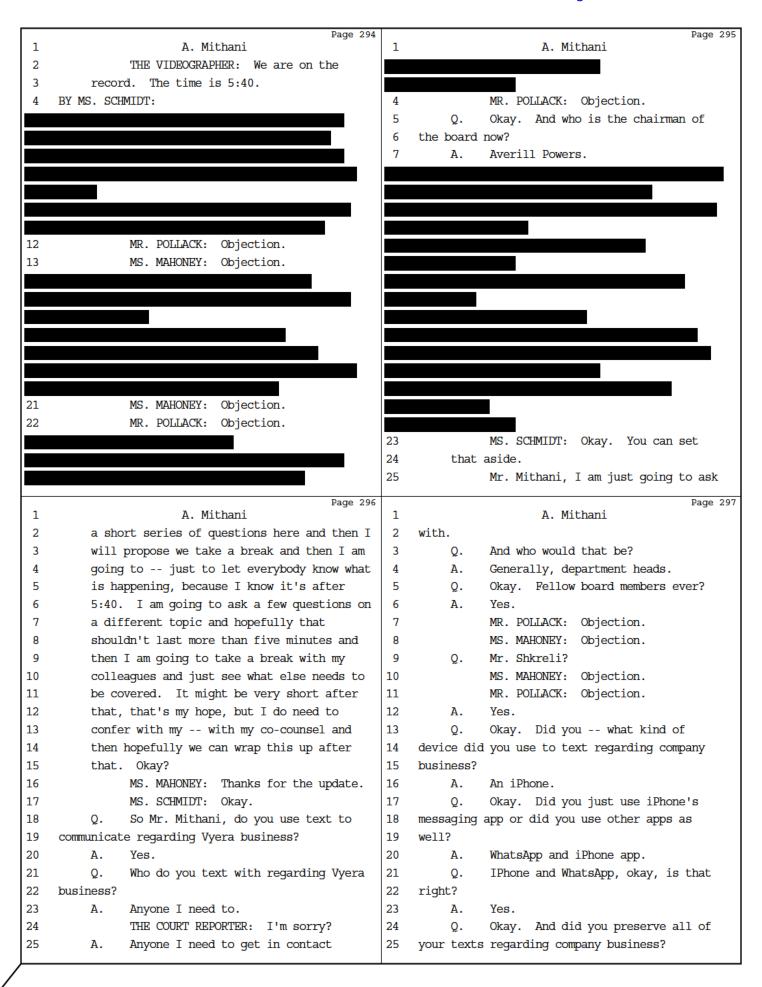












	Page 298		Page 299
1	A. Mithani	1	A. Mithani
2	MS. MAHONEY: Objection.	2	Gmail.
3	A. Yes.	3	THE COURT REPORTER: I'm sorry?
4	Q. How did you preserve all of your	4	A. Gmail.
5	texts regarding company business?	5	Q. And did you provide all of those
6	MS. MAHONEY: Objection.	6	e-mails to the company?
7	A. It's all backed up in iCloud.	7	A. Yes.
8	Q. And was that made available to the	8	Q. When did you first provide those
9	company?	9	e-mails to the company?
10	A. Yes.	10	A. I don't recall.
11	Q. Okay. Did you ever delete any texts	11	Q. Okay. Same with the text, when did
12	regarding company business?	12	you first provide your preserved texts to the
13	A. None that I know of.	13	company?
14	Q. Okay. What about personal e-mail,	14	A. I don't recall.
15	do you use personal e-mail to conduct company	15	Q. When did you last provide your
16	business?	16	personal texts to the company?
17	A. Yes.	17	A. Three months ago.
18	Q. And did you preserve those personal	18	Q. Okay. And did you ever use any
19	e-mails?	19	messaging apps, non-text messaging apps, such
20	MS. MAHONEY: Objection.	20	as GChat or any other chat system to
21	A. Yes.	21	communicate regarding company business?
22	Q. You don't have to provide the	22	MS. MAHONEY: Objection.
23	specific address of that, but what personal	23	A. We use Skype and Microsoft Teams.
24	e-mail platforms were you using for this?	24	Q. Skype. Okay. Skype and Microsoft
25	A. My personal e-mail (inaudible)	25	Teams. Any others?
	Page 300		
1	9		Page 301
1	A. Mithani	1	A. Mithani
2	A. Mithani A. None that I can think of.	2	A. Mithani texted regarding company business with fellow
2 3	A. Mithani A. None that I can think of. Q. And did you preserve all of those	2	A. Mithani texted regarding company business with fellow board members and company division heads; is
2 3 4	A. Mithani A. None that I can think of. Q. And did you preserve all of those chats?	2 3 4	A. Mithani texted regarding company business with fellow board members and company division heads; is that right?
2 3 4 5	A. Mithani A. None that I can think of. Q. And did you preserve all of those chats? MS. MAHONEY: Objection.	2 3 4 5	A. Mithani texted regarding company business with fellow board members and company division heads; is that right? A. Yes.
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2 3 4 5 6 7	A. Mithani A. None that I can think of. Q. And did you preserve all of those chats? MS. MAHONEY: Objection. A. Yes. MS. SCHMIDT: Okay. Speaking of	2 3 4 5 6	A. Mithani texted regarding company business with fellow board members and company division heads; is that right? A. Yes. Q. Okay. For board members did you text with Jordan Walker?
2 3 4 5 6 7 8	A. Mithani A. None that I can think of. Q. And did you preserve all of those chats? MS. MAHONEY: Objection. A. Yes. MS. SCHMIDT: Okay. Speaking of chats, I have lost mine with my co-counsel,	2 3 4 5 6 7 8	A. Mithani texted regarding company business with fellow board members and company division heads; is that right? A. Yes. Q. Okay. For board members did you text with Jordan Walker? A. Yes.
2 3 4 5 6 7 8	A. Mithani A. None that I can think of. Q. And did you preserve all of those chats? MS. MAHONEY: Objection. A. Yes. MS. SCHMIDT: Okay. Speaking of chats, I have lost mine with my co-counsel, so I am going to suggest we take a this	2 3 4 5 6 7 8	A. Mithani texted regarding company business with fellow board members and company division heads; is that right? A. Yes. Q. Okay. For board members did you text with Jordan Walker? A. Yes. Q. Ron Tilles?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Mithani A. None that I can think of. Q. And did you preserve all of those chats? MS. MAHONEY: Objection. A. Yes. MS. SCHMIDT: Okay. Speaking of chats, I have lost mine with my co-counsel, so I am going to suggest we take a this might be a little ambitious, but let's try to come back at 5:55. I believe it's 5:47 now. 5:55, is that agreeable? MS. MAHONEY: Yes. MS. SCHMIDT: Okay. If we could please go off the record and be sent to our breakout rooms, please. THE VIDEOGRAPHER: We are off the record. The time is 5:47.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Mithani texted regarding company business with fellow board members and company division heads; is that right? A. Yes. Q. Okay. For board members did you text with Jordan Walker? A. Yes. Q. Ron Tilles? A. I don't recall. Q. Averill Powers? A. Yes. Q. Did you text with Nick Pelliccione? A. Yes. Q. Marco Polizzi? A. Yes. Q. Ruchin Patel? A. Yes.
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